



# AMERICAN IMMIGRATION LAW FOUNDATION

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March 27, 2009

U.S. Department of State  
Office of Exchange Coordination and Designation  
SA-44  
301 4th Street, SW., Room 734  
Washington, DC 20547

Re: DS-7002, Training/Internship Placement Plan, OMB Control Number: 1405-0170

Dear Stanley Colvin,

The American Immigration Law Foundation (AILF) submits the following comments in response to the proposed rule published February 3, 2009 regarding the collection of information through form DS-7002.

AILF greatly appreciates the opportunity to comment on the proposed form DS-7002. As a designated sponsor of both training and intern J programs, we have overseen the completion of over 1200 DS-7002 forms in their current format. To put it mildly, the current form has significant shortfalls. We hope that a revised form will greatly improve the quality and utility of the information collected. It is in that spirit that we offer the following comments. Comments are sequenced corresponding to the order of information found on the proposed form DS-7002, beginning on page one.

Page 1:

## **Estimated Burden:**

If only one hour has been given to the development of macro training, it is highly unlikely the plan will be acceptable. At a minimum, this estimate should be three hours. This reflects the average of an adaptation of standardized training to the specific background of the intern or trainee (one hour) and the development of original training where no standardized training pre-exists (five hours).

## **Trainee/Intern Name (Last, First, MI)**

The term "Last" to identify name is confusing in much of the world, including Asia and Latin America, where naming patterns do not follow the same assumptions as those



found in the United States. The confusion can be reduced by requesting (Family, Given names - must match passport). MI or middle initial causes confusion, again as names from other parts of the world do not necessarily follow the US patterns.

### **Phone numbers**

The DS-7002 is to be completed before the J-1 is accepted for a training or internship program. Requesting U.S. telephone numbers at this point results in non-applicable information. The Cell Phone Number and U.S. Telephone Number boxes might be combined to "Telephone Number where Trainee/Intern can be reached." However, all stakeholders using this form need to understand this number will only be valid prior to the J-1 entering the U.S. Therefore, we question the purpose of this information. If it is to provide contact information for the Consular Officer, such information might make sense. If it is to provide information to anyone in the U.S., it is unnecessary and misleading.

### **Occupational Field/Number of Years Experience in Field**

Both of these boxes refer to trainee applications. The word "trainee" should be inserted in parenthesis after the title of each box so as not to confuse those completing the form for a potential intern..

### **Level of Degree (If graduate)**

The "If Graduate" does not make sense. "Highest Degree completed" would be an improvement.

### **Date Awarded (mm-dd-yyyy)**

Here it would make more sense to add "If Completed."

Our staff discussed suggesting the addition of "or expected date of completion," but noted that internships can significantly change the anticipated date. Also, this seems to track with the previous question, "Level of Degree." If there is no degree, the "Date Awarded" seems irrelevant.

### **Total months of training/internship**

This is unnecessary. With all due respect, anyone who cannot figure out this information from the specific dates provided in the previous box needs to return to grade school.

The form is already cluttered. Eliminating this field will result in remaining fields being easier to find.

### **Third party or Sponsor Host Organization Name**

The word "Sponsor" needs to be dropped, as it confuses the issue of who is the sponsor and who is the host organization where third parties are involved. Better language would simply be "Host Organization Name." This covers the site of activity, and does not cause confusion.

### **Fax Number**

Fax is fast becoming obsolete as scanners replace fax machines. Who will be using this information? Is it necessary? Again, in an already cluttered form, is this field needed?

### **DUNS Number/Employee identification Number (EIN)**

Including these numbers on the DS-7002 will greatly improve program administration, obviating explanations from the program sponsor to the host organization as to whether these numbers are actually required.

On the other hand, we continue to find little value in the DUNS number, but this is a comment for a different proposed regulation.

### **Proof of Insurance**

Proof of insurance is out of place at this point. A significant number of J-1 trainees and interns, especially those from the Middle East, the Basque region of Spain, those in the high tech fields, and those from lesser developed nations, find their programs delayed by administration screening upon applying for the J-1 visa at the U.S. Consulates. These delays can last several months, and are beyond the control of the J-1 applicant, the host organization, and the J program sponsor. Paying for insurance during the period of the administrative delay is an unreasonable expense. Insurance must be in place upon the arrival of the J-1 to the United States, not upon the execution of the DS-7002 by the J program sponsor. It is reasonable to require proof of insurance to begin the J-1 program, but not to execute the DS-7002, issue the DS-2019, or enter any contracts. Indeed, contracts need to be agreed upon before the DS-2019 is issued. In essence, this note is out of place on the DS-7002.

Better language might be: "Note - This Training/Internship Placement Plan must be executed by all three parties and contracts between the Sponsor, Host Organization, and Trainee/Intern endorsed before the sponsor can issue the DS-2019. The Trainee/Intern will not be allowed to begin a training/internship program until proof of the insurance required under 22 CFR 62.14 is on file with the sponsor."

**Trainee/Intern- I hereby acknowledge that I have reviewed, understand, and will follow this Training/internship Plan.**

The J-1 participant is getting off easy. Two additional statements need to be added:

"I will notify the J Program Sponsor of deviations from this plan."

"I understand the intent of the J-1 exchange visitor program is to expose me to American techniques, methodologies, and expertise, gain a better understanding of American culture and society, and then return to my homeland to share that learning with my countrymen."

The first statement will help to emphasize that the J program sponsor as provides oversight.

The second statement may reduce the number of J-1 participants who seek to use the J-1 to gain entry to the US with the expectation of changing status.

**Supervisor- I certify the following:**

The form appears to have some strange formatting in points 1, 3, and 4 following the word the initial word "I."

Even though the regulations impute responsibility on the Program Sponsor, the supervisor should also be agreeing to the following:

"Continuous on-site supervision and mentoring of trainees/interns will be provided."

"Trainees/Interns will not be assigned to activities that displace full- or part-time or temporary or permanent American workers or serve to fill a labor need."

**3. I will conduct the required periodic evaluations of trainees/interns; and**

This statement is not clear as to which evaluations - those of the DS-7002 or those required by 22 CFR 62.14.

Better language might be:

"I will conduct all evaluations of trainees/interns required by this Training/Internship placement Plan and by the Program Sponsor."

**Sponsor - I certify...**

**3. Trainee/Interns will obtain skills...**

The purpose of the DS-7002 is to describe the skills and competencies that will be gained, and how they will be gained. As such, this point is unnecessary.

Better language might be:

Sufficient oversight will be given to ensure that trainees/interns obtain the skills, knowledge, and competencies through the structured and guided activities described in this Training/Internship Placement Plan."

### **I understand that false certification...**

This paragraph must apply to all three parties, not just the Program Sponsor. It is the statement that places meaningful "teeth" into the agreements between the Program Sponsor and the Host Organization. Clarifying that the statement refers to all three parties should greatly reduce fraud on the part of a host organization that may have no intention of adhering to the plan, or a J-1 who intends to use the program merely to enter the U.S.

The paragraph should be in its own box, immediately under the gray "Contract Agreement" box.

### **Page 2**

The format of this page loses the purpose of the form. The amount of space given to record Specific Goals and Objectives; Knowledge, Skills, or Techniques to be Imparted; Methods of Performance Evaluation and Methods of Supervision, etc. will require a microscope be sent with each form in order to read the information. The existing form has too little space; this proposed form provides even less.

Furthermore, the form does not provide sufficient guidelines to meet its primary purpose to provide a standard format for describing Placement Plans. Comments below are written to provide thoughts on how this might be remedied.

### **Specific Goals and Objectives for this Program or for this Phase**

Attempting to distinguish the program from the phase will lead to confusion. The overall purpose of the program will simply be repeated for each phase. There is no need to distinguish a one phase program as separate from a multi-phase program at this point. The box above "Phase \_\_\_\_\_ of \_\_\_\_\_" makes this distinction.

Better language might be:

"Specific Goals and Objectives for this Phase. (Describe why this phase is being offered.)"

More space must be provided for this section (or microscopes installed at visa posts to read the answers).

### **Knowledge, Skills, or Techniques to be Imparted for this Program or for this Phase**

Again, attempting to distinguish between a one phase program and a multi-phase program will only result in the same skills being listed for each phase. Also, the language does not clearly ask the respondent to differentiate between the specific goals and

objectives of the previous field and the listing of knowledge, skills, or techniques in this field.

Better language might be:

“Knowledge, Skills, or Techniques to be Imparted for this Phase. (Describe what should be learned during this phase.)”

More space must be provided for this section.

#### **Methods of Performance Evaluation and Methods of Supervision for this Program or for this Phase**

Again, attempting to distinguish between a single phase program and a multi-phase program will only result in the same entries being listed for each phase. Also, the wording does not allow for the evaluation of skills and knowledge acquisition, but for the evaluation of attitude and application. The language is more appropriate to employment than to training.

Better language might be:

“Evaluation methods for the knowledge, skills, or techniques learned during this phase and plan for supervision during phase (Describe how learning will be measured and by whom.)

To really differentiate between the methods of evaluation and the plan for supervision, this question should be divided into two fields. Daily supervision and evaluation of learning are really two separate things.

More space must be provided for this section.

#### **Methodology of Training used During this Phase and Chronology or Syllabus for this Phase (Trainees)**

Outside of the formal education community, no one is going to understand what is meant by “Methodology of Training.” By continuing to include “syllabus,” training plans will continue to merely repeat a listing in this space of the knowledge, skills, and techniques of the previous box.

Better language might be:

“Activities and Chronology of training for this phase (Describe how and when the skills in the previous box will be imparted.)”

### **Role of Intern in the Organization During this Program or Phase and Specific Tasks and Activities to be Completed for this Program or phase (Interns)**

This field is making the erroneous assumption that the Intern Program is merely a glorified Work/Travel Program.

The role of the intern is just that, an intern. But, interns should be learning something. Learning should be planned, and the activities should support stated learning objectives. This box does not tie the learning objectives to the activities. Quite frankly, the need is better met by combining intern activities with the description of the activities and chronology of the trainee box. It is the role of the Program Sponsor to determine if the activities are appropriate for an intern versus a trainee, not the role of the form to make the artificial distinction. These two fields should be recombined, solving two problems - eliminating an impression that an intern is merely a worker (tasks and activities) and providing additional space to actually answer the question of how skills will be taught and on what schedule.

As with the previous fields, the distinction between a single phase program and a multi-phase program is unnecessary and confusing.

### **Name of Trainee/Intern (Last, First, MI)**

As on page one, this should read "Name of Trainee/Intern (Family name, Given names - Must match passport)

### **Field of Training/Internship**

This is redundant as the same information is collected on page one. This box should be eliminated.

### **Name of Phase/Phase \_\_\_\_\_ of \_\_\_\_\_**

The instructions at the top of the page suggest dividing the Plan into phases, e.g. if the trainee/intern is rotating through different departments. No other guidelines regarding the length of phases are provided. What tends to happen is that host organizations run out of space on a page to describe the training, and so add additional phases in order to fully describe the plan. Thus, we see this box filled out "Phase One, Phase Two, etc." This makes the two boxes redundant.

The "Name of Phase" box can be eliminated. The Specific Goals and Objectives tell us what the phase is.

## **PRIVACY ACT STATEMENT/Public reporting burden**

This necessary information needs to either be reduced to very small print in order to leave room on the page for the requested responses, or moved to a separate instruction page to make room for the requested responses.

As mentioned previously, the time estimate of 60 minutes is excessively low and misleading.

### **Additional comments**

Page two of the form needs to either be transmitted to Consular Posts in an electronic format that will allow for full information to be seen in each field, or it needs to be an expandable form to allow for the training/internship plan to fit. The current format, with its limited space, results in very abridged detail.

Both the current and the proposed forms fail to acknowledge and encourage the cultural exchange aspects of the J-1 visa. As a program sponsor, we ask for additional information on the plan to engage J-1 participants in American cultural activities. This request emphasizes the intent of the J-1 visa and reduces the instances of third parties attempting to use the J-1 merely to bypass the lack of availability of other visa classifications. We suggest the inclusion of the question, "Plan for Involvement in American Cultural Activities"

Again, we appreciate the opportunity to comment on the proposed DS-7002, and hope that the revised form will solve several of the problems of the original version. Page one, with its very misleading signature section, is of primary concern. We hope the final version will reflect the need to collect information, and not just give space to the display of legal requirements.

Sincerely,



Lois C. Magee

Director

American Immigration Law Foundation

Exchange Visitor programs